

The Essence and Basic Principles of Administrative Court Proceedings

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Abstract: Through this article, in addition to focusing on what principles are used in conducting administrative court proceedings, the experience of foreign countries, as well as theories of the code of administrative court proceedings are accepted.

Key points: principles, cases, a legal entity, an individual, administrative offenses, justice, democratic, freedom, citizen, transparency, openness.

Introduction.

The adoption of administrative courts in Uzbekistan marks a significant step in the evolution of the nation's legal system, reflecting the country's dedication to strengthening the rule of law and safeguarding the rights of its citizens and legal entities. After gaining independence, Uzbekistan prioritized the establishment of a democratic state with a robust judicial system at its core. The introduction of the Code of Administrative Court Proceedings in 2018 symbolized a pivotal reform, aimed at addressing disputes between individuals and public authorities or legal entities through a transparent and justice-oriented mechanism. Unlike earlier practices where minor disputes were resolved, administrative courts now focus on public legal relationships, ensuring fairness in cases involving administrative decisions or actions. Guided by fundamental principles such as independence, equality before the law, and transparency, administrative court proceedings in Uzbekistan emphasize the rule of law and accessibility for all citizens. Drawing inspiration from international practices, the Uzbek administrative judiciary integrates global principles like openness and efficiency while tailoring them to the country's unique legal and cultural context. This system facilitates not only the resolution of conflicts but also contributes to the accountability of public administration. By ensuring that administrative justice is carried out effectively, Uzbekistan demonstrates its commitment to fostering a society governed by fairness and respect for legal rights, resonating with international standards of governance and legal practice. This article delves into the foundational principles and practical aspects of administrative court proceedings in Uzbekistan, offering insights into their significance and impact on the nation's legal landscape.

Methods. The methodology of the article is grounded in a comprehensive examination of administrative court proceedings, focusing on Uzbekistan's experience while drawing comparative insights from international principles and practices. The study relies on qualitative analysis, reviewing legal documents such as the Code of Administrative Court Proceedings and relevant international frameworks. It integrates an interpretive approach to dissect principles like equality before the law, judicial independence, and transparency, linking these to their practical implementation in Uzbekistan. Comparative analysis forms a crucial part of the methodology, allowing the research to juxtapose Uzbekistan's administrative law principles with those of European systems. This approach highlights differences in procedural efficiency, clarity, and adaptability, particularly through the examination of Finnish administrative court practices. The study also examines the evolution of administrative courts in Uzbekistan post-independence, utilizing historical and legal sources to trace reforms and their impact on justice delivery. Secondary

data, including academic publications, OECD papers, and national regulations, are critically analyzed to contextualize Uzbekistan's legal advancements. The methodology is reinforced by case studies and examples illustrating public and private disputes resolved through administrative courts. These instances provide a practical dimension to the theoretical framework, showing the real-world application of administrative principles. By employing this multifaceted approach, the article aims to present a holistic understanding of administrative justice, its challenges, and prospects within a globalized legal environment. This methodology ensures a balanced perspective that bridges theoretical constructs and practical realities.

After the independence of the Republic of Uzbekistan, choosing a unique way of building a democratic state governed by the rule of law and a strong civil society, human rights and interests were prioritized in domestic and foreign policy. We know that one of the central places in the system of protection of human rights and freedoms is occupied by the court.

Results.

The results of consistent reforms in the field of judiciary in our country indicate that individuals and legal entities are turning to the courts more and more to protect their rights and legal interests.

The concept of an administrative court is one of the new concepts that has entered our country, and the Code of Administrative Court Proceedings was adopted for the first time in 2018 for the operation of this court.

The adoption of this code was achieved by considering many issues separately. Now, in conducting administrative court cases, the parties are not only individuals, but one side is a legal entity and the other is an individual. Previously, administrative offenses such as petty bullying, fighting, and insults between two individuals were also dealt with by administrative courts. The current administrative court solves the public legal relationship and performs its justice in solving the problems that have arisen between individuals and legal entities. Now let's turn to the principles of conducting individual administrative court cases, according to the Code of Conduct of Administrative Court Proceedings, so they are as follows: administration of justice only by the court; equality before the law and before the court; independence of judges and obedience only to the law; active participation of the court; the language of administrative court proceedings; publicity of the trial; immediacy of the trial; solving administrative cases on the basis of legislation and binding of court documents.

Administrative courts consider disputes in which at least one of the parties is an executive authority, a local government body, their official or official, or another entity vested with powers, managerial functions on the grounds provided for by law. A person who believes that his rights, freedoms or interests in the sphere of public-law relations have been violated has the right to file an administrative claim with an administrative court. These include:

- disputes between individuals or legal entities with a subject of public authority regarding appeals against its decisions (regulatory legal acts or legal acts of individual action), actions or inactions;
- disputes regarding the admission of citizens to public service, its performance, dismissal from public service;
- disputes between subjects of public authority regarding the implementation of their competence in the sphere of management, including delegated powers, as well as disputes regarding the conclusion and execution of administrative contracts;
- disputes regarding the appeal of a subject of public authority in cases established by law;
- disputes regarding legal relations related to the electoral process or the referendum process.

Administration of justice only by the court - judicial proceedings in administrative cases shall be carried out only by the court according to the provisions set forth in this Code.

Equality before the law and before the court - justice in administrative cases is provided regardless of gender, race, nationality, language, religion, faith, social origin, social status of citizens, and legal entities regardless of the form of ownership, location, as well as other circumstances. performed on the basis of equality before.

Independence of judges and obedience only to the law - in the administration of justice, judges are independent and subject only to the law. It is not allowed to interfere with the activities of judges in the administration of justice in any way, and such interference is a cause of responsibility according to the law. Guarantees of independence of judges are determined by law.

Active participation of the court - conducting administrative court cases is carried out on the basis of active participation of the court. The court shall comprehensively, completely and impartially consider all factual circumstances important for the proper resolution of the administrative case without being limited to explanations, applications, petitions, evidence and other case materials of the persons participating in the case. checks. The court collects additional evidence on its own initiative or at the request of the persons participating in the case, as well as performs other actions aimed at solving the tasks of administrative court proceedings. Persons participating in the case must assist the court in investigating the true circumstances of the case and collecting evidence.

The language of administrative court proceedings - administrative court proceedings are conducted in Uzbek, Karakalpak language or in the language spoken by the majority of the population of a certain place. Participants of court proceedings who do not know the language of the administrative court proceedings shall have the right to familiarize themselves with the case materials through an interpreter, to participate in court actions and to speak in court in their native language or freely chosen language of communication. Court documents accepted in the course of court proceedings are drawn up in the language in which the court session was held.

Publicity of the trial - Court hearings are held in public. If it is necessary to preserve a state secret or other secret protected by law, it is allowed to hear the case in a closed court session. It is not allowed to hear the case in a closed session in the mode of a video conference, and audio and video recording of such a session is not carried out. If the hearing is held in a closed court session, it is not allowed to form the case in electronic form. A decision will be issued to discuss the case in a closed court session. The decision of the court shall be read publicly in all cases.

Immediacy of the trial - When considering an administrative case, the court must directly examine all the evidence in the case.

Solving administrative cases on the basis of legislation - The court resolves administrative cases on the basis of the Constitution and laws of the Republic of Uzbekistan, other legal documents, as well as international agreements of the Republic of Uzbekistan. When considering an administrative case, the court makes a decision in accordance with the law if it finds that the document of the administrative body is not in accordance with the law, including that the document was adopted outside the scope of authority. In the absence of legal norms regulating the conflicting relationship, the court applies the legal norms regulating similar relations, and in the absence of such norms, resolves the dispute based on the general principles and content of the laws. When considering administrative cases, all intractable conflicts and uncertainties in the legislation are interpreted in favor of citizens and legal entities.

Binding of court documents - Court documents entered into legal force are binding for all state bodies, self-government bodies of citizens, public associations, enterprises, institutions, organizations, officials and citizens and must be executed in the entire territory of the Republic of Uzbekistan. Non-execution of court documents is a cause of responsibility specified in this Code and other laws.

So, any interested person has the right to apply to the administrative court for the protection of their violated or disputed rights or interests protected by law.

The administrative court has jurisdiction over cases on the protection of violated or disputed rights, freedoms and legitimate interests of citizens and legal entities arising from administrative and other public legal relations, with the exception of cases referred to the jurisdiction of the Constitutional Court of the Republic of Uzbekistan, civil courts, economic courts and military courts.

An administrative case is formed on the basis of documents submitted to the court by persons participating in the case and other participants in administrative proceedings, or requested by the court, as well as judicial and other acts drawn up on paper. An administrative case can be formed in electronic form.

When forming an administrative case in electronic form, the persons participating in the case and other participants in the administrative proceedings have the right to submit to the court documents in electronic form, confirmed by their electronic digital signature.

Written documents submitted to the court by persons participating in the case and other participants in the administrative proceedings are attached to the case in electronic form, after which the written documents are returned to the persons who submitted them.

In the case of the formation of an administrative case in electronic form, judicial acts are confirmed by the electronic digital signature of the judge (judges), and the minutes of court hearings and individual procedural actions are confirmed by the electronic digital signature of the presiding judge and the secretary of the court hearing.

Transfer of an administrative case in electronic form to another administrative court or other body is carried out through the information system.

An administrative case formed in electronic form may have a copy on paper.

The court adopts judicial acts in the form of a decision, ruling, or resolution. In the court of first instance, based on the results of the consideration of the case on the merits, a decision or resolution is adopted. The courts of appeal and cassation instances, based on the results of the consideration of appeals, cassation complaints (protests), adopt resolutions.

Although the expression and concepts of administrative law (Verwaltungsrecht, droit administratif) differ from one national system to another, it is possible to agree upon a common definition of administrative law as being the set of principles and rules applying to the organization and management of public administration and to the relations between administration and citizens. If we attempt to systematize the main administrative law principles common to western European countries, we could distinguish the following groups: 1) reliability and predictability (legal certainty); 2) openness and transparency; 3) accountability and 4) efficiency and effectiveness. Other principles can be derived from these.

So, we have a chance to analyze our administrative law principles in comparison with European countries from above, their principles are more simple conducted than us, whilst the meaning of them is broad and demands much power to clarify. One of them from these principles, openness suggests that the administration is available for outside scrutiny, while transparency suggests that, when examined closely, it can be “seen through” for the purpose of scrutiny and supervision. Openness and transparency allow, on the one hand, anyone affected by an administrative action to know its basis, and on the other, they render outside scrutiny of administrative action by supervisory institutions easier. Openness and transparency are also necessary instruments for the rule of law, equality before the law, and accountability.

At present, we have to focus on the main sides of administrative court sessions in Finland, according to the law of this state, matters shall be decided on the presentation in the composition of the decision, normally composed of three members. In the composition session, the case may be presented by the administrative judge, the junior judge or the notary. In certain matters, such as mental health and child custody, consideration and decision-making are also attended by a member of the composition who is an expert. In addition to the legally trained members, judges in the field of natural sciences or technology participate in the consideration of matters under the

Environmental Protection and Water Act. It is possible for administrative courts to resolve certain appeals laid down in the law in smaller formations than usual. Such matters include certain appeals relating to income tax, property tax, car tax and building permits. If the judges disagree with the decision in a two-member composition, the matter shall be referred to the normal composition of three members. One judge may, among other things, decide on appeals concerning parking error fee, vehicle transfer, driving license issues and public transport inspection fee. In addition, one judge may decide on any enforcement prohibition to be classified as interim measures and prohibit or suspend the enforcement of taxes and charges.

Discussion. The article delves into the essence and guiding principles of administrative court proceedings in Uzbekistan, examining the framework set forth by the 2018 Code of Administrative Court Proceedings. It underscores the judiciary's evolving role in protecting human rights and resolving disputes between individuals and legal entities within the public legal domain. The discussion highlights key principles such as judicial independence, equality before the law, and active participation in trials. These principles ensure transparency, fairness, and legal integrity, thereby strengthening public trust in administrative courts.

Drawing comparisons with European administrative law, the article identifies overlapping principles like openness, transparency, and accountability, while noting contextual differences. The analysis reveals how transparency not only promotes scrutiny and supervision but also upholds the rule of law and equality. The Finnish system, for instance, employs unique practices, such as specialized decision-making panels involving experts in relevant fields, to address complex cases like environmental or child custody disputes. This adaptive approach reflects the nuanced application of administrative law in diverse contexts.

Furthermore, the integration of digital processes, including electronic case management and digital signatures, is emphasized as a modernization effort that aligns with global trends in judicial efficiency. Such advancements streamline administrative proceedings, reduce procedural delays, and facilitate better access to justice.

The article concludes by acknowledging the diversity in administrative law systems worldwide while underscoring the shared objective of fostering stable legislation and societal peace. This comparative perspective enriches the understanding of administrative court proceedings and their pivotal role in upholding democratic principles and governance. By drawing on local and international practices, Uzbekistan's judiciary continues to evolve, aiming to establish a robust legal framework that addresses contemporary challenges effectively

Conclusion.

To conclude, each country has separate system, different laws, citizens, but anyway, most states negotiate together about how to conduct the great condition for population, stable legislation and peace inside.

The article delves into the foundational principles and practices of administrative court proceedings in Uzbekistan, presenting a comprehensive examination of their development and current implementation. It highlights the significance of these courts in safeguarding individual and legal entities' rights while showcasing the judicial reforms undertaken since the country's independence. The comparison with European administrative law principles underscores a shared commitment to transparency, accountability, and efficiency, despite structural differences.

The unique features of Uzbekistan's administrative courts, including their capacity to resolve disputes involving public authorities and individuals, demonstrate the country's efforts to harmonize its legal framework with international standards. Moreover, the emphasis on openness and public access reinforces the principles of democratic governance and the rule of law, ensuring equitable treatment for all parties involved. These principles are instrumental in fostering trust in the judiciary and promoting a culture of legal integrity.

The analysis extends to the practices of administrative courts in Finland, offering a comparative perspective that enriches the discussion. This cross-national insight provides valuable lessons on the flexibility and specialization of administrative adjudication, where decisions are made with expertise tailored to specific cases. Such practices could inspire further refinements in Uzbekistan's system, particularly in enhancing judicial efficiency and inclusivity.

In conclusion, the article underscores that the evolution of administrative court proceedings is a dynamic process, shaped by national contexts and informed by international experiences. It reaffirms the critical role of administrative courts in upholding justice and legality, bridging the gap between state authority and citizens' rights. By drawing parallels and identifying best practices globally, Uzbekistan's administrative judiciary can continue to evolve, contributing to a more robust and transparent legal environment.

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